

Message Text

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TO AMEMBASSY BANGKOK
INFO AMCONSUL UDORN

UNCLAS STATE 304404

E.O. 11652:N/A

TAGS:AINF, OGEN

SUBJECT:PRIVACY ACT OF 1974 - INQUIRY ABOUT EDWARD B.
FALLON

REF: (1) BANGKOK 32695, 12/1/76, (2) A-472, JULY 17, 1975

1. POST MAY NOT RPT NOT HONOR REQUEST FROM BANGKOK POLICE FOR HOME ADDRESS OF AND BIOGRAPHIC DATA ON AMCIT FALLON. HOWEVER, IF ADDRESS CITED IN REFTEL IS BUSINESS ADDRESS, IT IS OPINION OF DEPARTMENT'S OFFICE OF LEGAL ADVISER THAT POST MAY RELEASE IT, AS BUSINESS ADDRESSES ARE IN THE REALM OF PUBLIC DOMAIN, AND THUS MAY BE DISCLOSED.
2. THE PRIVACY ACT, SUBSECTION (B) "CONDITIONS OF DISCLOSURE", FORBIDS DISCLOSURE OF PERSONAL INFORMATION ABOUT AN INDIVIDUAL TO ANOTHER PERSON OR AGENCY WITHOUT PRIOR WRITTEN CONSENT OF THAT INDIVIDUAL UNLESS DISCLOSURE FALLS WITHIN ONE OR MORE OF CATEGORIES ENUMERATED IN (B)(1) - (B)(11) OF THE ACT (SEE REFAIR 2).
3. IN EXAMINING THESE EXEMPTIONS TO WRITTEN CONSENT, SUBSECTIONS (B)(2) (DISCLOSURE REQUIRED BY FREEDOM OF INFORMATION ACT) AND (B)(3) (DISCLOSURE AS A PUBLISHED ROUTINE USE) APPEAR MOST LIKELY WAYS TO RELEASE. HOWEVER, UNCLASSIFIED

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PAGE 02 STATE 304404

BIO DATA AND LOCATION OF AN INDIVIDUAL ARE NOT REQUIRED

TO BE RELEASED UNDER FOI AND, IN FACT, UNDER DEPARTMENT OF JUSTICE GUIDANCE, PERSONAL ADDRESSES CAN BE CONSIDERED TO BE OF SUCH SUFFICIENT INTIMACY THAT THEIR DISCLOSURE WOULD CONSTITUTE A "CLEARLY UNWARRANTED INVASION OF PRIVACY". THE (B)(3) "ROUTINE USE" PROVISION CAN ALSO BE RULED OUT IN THIS CASE SINCE NO APPLICABLE ROUTINE USE HAS YET BEEN PUBLISHED.

4. DEPARTMENT RECOGNIZES DIFFICULTY OF SITUATION AND IS IN PROCESS NOW OF AMENDING OUR 'ROUTINE USE' STATEMENTS TO PROVIDE FOR LEGITIMATE FUTURE COOPERATION BETWEEN LOCAL POLICE AND POST. HOWEVER, WE MUST STILL GO THROUGH PUBLIC NOTICE PROCEDURE INVOLVING PUBLICATION IN THE FEDERAL REGISTER. PROCESS WOULD TAKE 90 DAYS AT MINIMUM.

5. ONE POSSIBLE ALTERNATIVE WOULD BE TO HAVE BANGKOK POLICE REQUEST INFORMATION ABOUT FALLON THROUGH DEA. UPON REQUEST, THE DEPARTMENT MAY RELEASE INFORMATION TO DEA PURSUANT TO PUBLISHED ROUTINE USE PROVISIONS IF DEA IS IN PROCESS OF CONDUCTING LAWFUL INVESTIGATION INTO FALLON'S POSSIBLY ILLEGAL ACTIVITIES. DEA MAY THEN RELEASE INFORMATION TO BANGKOK POLICE ITSELF. PERHAPS DEA'S "ROUTINE USE" STATEMENT COVERS SUCH DISCLOSURE. KISSINGER

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